

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number	7,168,615
Issue Date	January 30, 2007
First Inventor	Merrill Brooks SMITH
Title	Keycard for Automating Transaction Requests
Attorney Docket No.	62941.002018

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION FOR**  
**U.S. PATENT NO 7,168,615**

In accordance with MPEP 1481.03(B), Patentees respectfully request that the enclosed Certificate of Correct be executed by the attesting Officer and be made part of the record of U.S. Patent No. 7,168,615 ("the '615 Patent").

MEPE 1481.03(B) sets forth three requirements for a proper request to correct priority using a Certificate of Correction. Each is addressed below.

- (A) All Requirements Set Forth in 37 CFR 1.78(a)(1) Must Have Been Met In the Application Which Became the Patent to be Corrected

Patentee respectfully submits that all requirements set forth in 37 C.F.R. 1.78(a)(1) were met in U.S. Patent Application 11/712,182 which became the '615 Patent. Specifically, the '615

Patent and its parent and lineage include at least one overlapping inventor (Merrill Brooks Smith) and the priority claim to the parent application was properly made at the time of filing.

(B) It is Clear from the Record of the Patent and Parent Application(s) that Priority is Appropriate

The record clearly shows that the priority claim was proper and adequate. Both the transmittal letter sent by applicant and the Official Filing Receipt adequately listed the priority.

The Transmittal Letter Properly Set Forth the Priority Claim

The transmittal letter clearly noted that the '615 Patent was filed as a Continuation-in-Part Patent Application to (i) 10/253,243, filed September 24, 2002; and (ii) 10/411,971 filed April 11, 2003, The transmittal letter is attached hereto as Exhibit A.

The continuation-in-part status of the '615 Patent is clearly set forth in the Transmittal Letter. Paragraph 18 sets forth the following:

Continuation ☐ Divisional ☒ Continuation-in-Part of  
Prior Application No.: 10/411,971 filed April 11, 2003 and Prior Application  
No. 10/253,243 filed on September 24, 2002.

The Official Filing Receipt Partially Recognized the Priority Claim

The Official Filing Receipt recognized the status of the '615 Patent as a Continuation-in-Part Patent Application of the previous applications, noting under **Domestic Priority data as claimed by applicant:**

**Domestic Priority data as claimed by applicant**

This application is a CIP of 10/411,971 04/11/2003  
and is a CIP of 10/253,243 09/24/2002  
which claims benefit of 60/324,333 09/24/2001  
and claims benefit of 60/396,404 07/15/2002

The Official Filing Receipt is attached hereto as Exhibit B.

(C) A Grantable Petition to Accept an Unintentionally Delayed Claim for Benefit of a Prior Application Is Filed Herewith, including the Surcharge

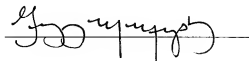
A Petition under 37 CFR 1.78(a)(3) is filed herewith setting forth (i) the statement as required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2); (ii) the surcharge as required under 37 CFR 1.17(t); and (iii) a statement that any delay was unintentional.

\* \* \*

Based on the above, Applicants respectfully request that the Certificate of Correction filed herewith be executed by the attesting Officer and be made part of the record of U.S. Patent No. 7,168,615.

Dated: October 6, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory M. Murphy", is written over a horizontal line.

Gregory M. Murphy, Reg. No. 52,494  
(E) gmurphy@LandmarkIP.com  
(T) 804.971.7729 (F) 804.767.3416  
LANDMARK INTELLECTUAL  
PROPERTY LAW, PLLC  
P.O. Box 1266  
Midlothian, Virginia 23113

# **EXHIBIT A**

EXPRESS MAIL LABEL NO. EU746734761US

INTELLECTUAL PROPERTY DEPARTMENT  
HUNTON & WILLIAMS LLP  
RIVERFRONT PLAZA, EAST TOWER  
951 EAST BYRD STREET  
RICHMOND, VA 23219-4074

TEL 804 - 788 - 8200  
FAX 804 - 788 - 8218  
DAVID E. BAKER, ESQ.  
DIRECT DIAL: 804 - 788 - 8762  
EMAIL: DBAKER@HUNTON.COM

FILE NO: 64243.000018

November 13, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL**

Attorney Docket Number: **64243.000018**

First Named Inventor: **Merrill Brooks SMITH**

Title: **KEYCARD FOR AUTOMATING TRANSACTION REQUESTS**

Customer No. **27682**

TO: **MAIL STOP PATENT APPLICATION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached are the following for filing with the U.S. Patent and Trademark Office:

1. ☐ Fee Transmittal Form (original and duplicate)
2. ☒ Small Entity Status Claimed:  

<input type="checkbox"/>	Independent Inventor
<input checked="" type="checkbox"/>	Small Business Concern
<input type="checkbox"/>	Non-Profit Organization
3. ☒ A patent application including 14 pages of specification, 8 pages of claims, 1 page of abstract and 5 sheets of figures.

# MAIL STOP PATENT APPLICATION

November 13, 2003

Page 2

CLAIMS AS FILED						
	Claims Filed	Basic Fee Claims	Extra	Rate		Amount
				Large Entity	Small Entity	
Total Claims	45	20	25	\$ 18.00	\$ 9.00	\$ 225.00
Independent Claims	4	3	1	\$ 86.00	\$ 43.00	\$ 43.00
First Presentation of Multiple Dependent Claims				\$ 290.00	\$ 145.00	\$ 0.00
<b>BASIC FEE</b>				\$ 770.00	\$ 385.00	\$ 385.00
<b>TOTAL FILING FEE</b>						\$ 653.00
Assignment Recordation Fee						\$ 40.00
<b>TOTAL AMOUNT</b>						<b>\$ 693.00</b>

4. ☒ Drawings - Total Sheets: 5 (Fig(s). 1-5)
5. Oath or Declaration - Total Pages: 2
- a. ☒ Newly executed (original or copy)  
☐ New (unexecuted)
- b. ☐ Copy from a prior application  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(s):**  
Signed statement attached deleting inventor(s) named in prior application.
6. ☐ Application Data Sheet
7. ☐ CD-ROM or CD-R in duplicate, large table or Microfiche Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (two copies); or

**MAIL STOP PATENT APPLICATION**

November 13, 2003

Page 3

- ii. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statements verifying identity of above copies
9. ☒ Assignee/Applicant: **E2 Interactive, Inc.**  
**250 Williams Street, Suite M-100**  
**Atlanta, GA 30303**
- ☒ Assignment and Assignment Recordation Form Submitted Herewith
- ☒ Assignee of Record in Prior Application Nos. **10/411,971 and 10/253,243**  
**E2 Interactive, Inc., 250 Williams Street, Suite M-100, Atlanta, GA 30303**
10. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement with PTO-1449 Form
- ☐ Copies of Information Disclosure Statement Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard and Express Mail Certificate under 37 C.F.R. 1.10
15. ☒ Priority is Claimed as Follows:  
**This application claims the benefit of the U.S. Application No. 10/411,971, filed April 11, 2003, which claims priority to U.S. Application No. 09/641,363 filed on August 18, 2000, which claims priority to U.S. Provisional Application No. 60/149,740 filed on August 19, 1999. This application also claims the benefit of U.S. Application No. 10/253,243 filed on September 24, 2002, which claims priority to U.S. Provisional Application No. 60/396,404 filed July 15, 2002 and U.S. Provisional Application No. 60/324,333 filed September 24, 2001.**
- ☐ If Foreign Priority is Claimed, Certified Copy of the Above Priority Document(s) is Submitted Herewith
16. ☐ Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach Form PTO/SB/35 or its equivalent.

**MAIL STOP PATENT APPLICATION**

November 13, 2003

Page 4

17. ☐ Other: \_\_\_\_\_
18. ☐ Continuation ☐ Divisional ☒ Continuation-in-Part of  
Prior Application No.: 10/411,971 filed April 11, 2003 and Prior Application  
No. 10/253,243 filed on September 24, 2002.
- Prior application information: Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_
- ☐ Incorporation By Reference (useable if Box 5b is marked)  
The entire disclosure of the prior application, from which a copy of the oath or  
declaration is supplied under Box 5b, is considered as being part of the  
disclosure of the accompanying continuation or divisional application and is  
hereby incorporated by reference. The incorporation can only be relied upon  
when a portion has been inadvertently omitted from the submitted application  
papers.
- ☐ Complete Application Based on Provisional Application No.: \_\_\_\_\_  
filed \_\_\_\_\_
19. Please address all correspondence to:
- ☒ **CUSTOMER NUMBER** 27682
- J. Michael Martinez de Andino, Esq.**  
**HUNTON & WILLIAMS LLP**  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219-4074
20. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is attached.
21. ☒ A check in the amount of \$ 693.00 is enclosed. In the event any  
variance exists between the amount enclosed and the Patent Office charges,  
please charge or credit any such variance to **Deposit Account No. 08-3436**.



**MAIL STOP PATENT APPLICATION**

November 13, 2003

Page 5

- ☒ The U.S. Patent and Trademark Office is hereby authorized to charge any deficiencies or overpayment to **Deposit Account No. 08-3436**.

Respectfully submitted,

By:



David E. Baker, Esq.  
Registration No. 42,285

DEB/lac  
Enclosures

# **EXHIBIT B**

MAR 03 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/712,182	11/13/2003	2876	770	64243.000018	5	58	4

CONFIRMATION NO. 7887

## FILING RECEIPT



\*0C00000012032537\*

27682  
 J. MICHAEL MARTINEZ DE ANDINO ESQ.  
 HUNTON & WILLIAMS  
 RIVERFRONT PLAZA, EAST TOWER  
 951 EAST BYRD ST.  
 RICHMOND, VA 23219-4074

Date Mailed: 03/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Merrill Brooks Smith, Atlanta, GA;

## Assignment For Published Patent Application

E2 Interactive, Inc., Atlanta, GA;

## Domestic Priority data as claimed by applicant

This application is a CIP of 10/411,971 04/11/2003  
 and is a CIP of 10/253,243 09/24/2002  
 which claims benefit of 60/324,333 09/24/2001  
 and claims benefit of 60/396,404 07/15/2002

## Foreign Applications

UNITED STATES OF AMERICA PCT/US02/30281 09/24/2002

If Required, Foreign Filing License Granted: 03/04/2004

Projected Publication Date: 06/10/2004

Non-Publication Request: No

Early Publication Request: No

**DOCKETED**

**Title**

Keycard for automating transaction requests

**Preliminary Class**

235

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).